

## MEMORANDUM ENDORSED



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April 24, 2023

**Via ECF**

Hon. Gregory H. Woods  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Defendant's request for an extension of time until May 24, 2023, to file its motion to dismiss is granted. Plaintiff's opposition is due within 28 days after service of defendant's motion. Defendant's reply, if any, is due within 14 days after service of plaintiff's opposition. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 31.

SO ORDERED.

Dated: April 24, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge

Re: *Dicks v. Moda Group, LLC*  
Civil Case No.: 1:22-cv-07653-GHW  
**Request for Extension to Briefing Schedule**

Dear Judge Woods:

We represent the Defendant Moda Group, LLC in the above-captioned case. We write with the consent of Plaintiff's counsel to respectfully request that the briefing schedule for Defendant's motion to dismiss be extended for thirty (30) days. Per the Court's March 24, 2023 Order (ECF No. 30), Defendant's motion is due today, April 24, 2023. Defendant hereby requests that this date be extended to May 24, 2023, and the dates for Plaintiffs opposition (28 days thereafter) and Defendant's reply (14 days further) be likewise extended.

The basis for this request is that the parties are in active negotiation over settlement and request further time to continue and complete settlement discussions. This is Defendant's first request for an extension of time to file its motion to dismiss.

Thank you for your consideration.

Respectfully submitted,

CUMMINGS, McCLOREY, DAVIS & ACHO, P.C.  
/s/ Michael O. Cummings  
Michael O. Cummings  
*Attorneys for Defendant Moda Group, LLC*

cc: All Counsel of Record via ECF.